



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,747	10/11/2001	Maxie A. Durel-Crain	P01269US (98151.1P2)	9363
22920 75	590 03/07/2003			
GARVEY SMITH NEHRBASS & DOODY, LLC			EXAMINER	
THREE LAKEWAY CENTER 3838 NORTH CAUSEWAY BLVD., SUITE 3290		SUITE 3290	RUHL, DENNIS WILLIAM	
METAIRIE, LA	A 70002		ART UNIT	PAPER NUMBER
				7711 211 711 211
			3761	0
			DATE MAILED: 03/07/2003	\mathcal{M}

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action G9975,747		Application No.	Applicant(s)				
Examiner Dennis Ruhl 3761	Advisory Action	09/975,747	5,747 DUREL-CRAIN, MAXIE A.				
THE REPLY FILED 21 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE therefore, further action by the applicant is required to avoid abandoment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.	Advisory Action	Examiner	Art Unit				
THE REPLY FILED 21 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment withor places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. **PERIOD FOR REPLY** (Inches either a) or to) **PERIOD FOR REPLY** (Inches either a) o		Dennis Ruhl	3761				
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment within places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY Check either a) or b) The period for reply expires months from the mailing date of the Advancy Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires months from the mailing date of the Advancy Action, or (2) the date set forth in the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705.07(). 705.07(). The control of the period for reply expires with the profit of the standard of the statutory period for reply expires of determining the period of cerebon and the corresponding amount of the fee. The appropriate extension fee under 23° CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (3) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.174(b). 1 No Notice of Appeal was filed on 27 January 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2 The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise new issues that would require further consideration and/or search (see NOTE below); (c) they are not deemed to place the application in bette	The MAILING DATE of this communication a	ppears on the cover sheet wi	th the correspondence add	ress			
a)	Therefore, further action by the applicant is required final rejection under 37 CFR 1.113 may only be eithe condition for allowance; (2) a timely filed Notice of Alexamination (RCE) in compliance with 37 CFR 1.114	to avoid abandonment of this er: (1) a timely filed amendmo opeal (with appeal fee); or (3 I.	s application. A proper re ent which places the appli) a timely filed Request fo	ply to a cation in			
event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. NIX CHECK THIS BOX WHEN THE FIRST REPLY MS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.136(a) calculated from: (i) the expiration date of the shortened statutory period for reply originally set in the final of recipion, even if timely filed, may reduce any seamed patent term adjustment. See 37 CFR 1.704(b). 1							
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.179 (is actalusted from (1) the expiration date of the shortened statutory period for repty riginally set in the filozifice action; or (2) as set forth in (is) above, if checked. Any repty received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). A Notice of Appeal was filed on 27 January 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. Image: The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: NOTE: Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). The application in condition for allowance because: See Continuation Sheet. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. Claim(s) allowed: Claim(s) allowed: Claim(s) rejected: Claim(s) withdrawn from consideration: Solve the attached Information Disclosu	event, however, will the statutory period for reply expire lat ONLY CHECK THIS BOX WHEN THE FIRST REPLY V	er than SIX MONTHS from the mailir	g date of the final rejection.				
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. ☐ The proposed amendment(s) will not be entered because: (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	have been filed is the date for purposes of determining the period of e 37 CFR 1.17(a) is calculated from: (1) the expiration date of the short (b) above, if checked. Any reply received by the Office later than thre	extension and the corresponding amore ened statutory period for reply origina	unt of the fee. The appropriate extended in the final Office action; or	tension fee under (2) as set forth in			
(a)			•	forth in			
(b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	2. The proposed amendment(s) will not be entered	ed because:					
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	(a) they raise new issues that would require for	urther consideration and/or s	earch (see NOTE below);				
issues for appeal; and/or (d)	(b) they raise the issue of new matter (see Note below);						
NOTE: 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The and affidavit, b) exhibit, or c) \text{ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) DENNIS RUHL	· · · · · · · · · · · · · · · · · · ·	ion in better form for appeal	by materially reducing or s	simplifying the			
 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) ∑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) DENNIS RUHL D	.,	nceling a corresponding num	ber of finally rejected clair	ns.			
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) ∑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) DENNIS RUHL							
canceling the non-allowable claim(s). 5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	3. Applicant's reply has overcome the following re	ejection(s):					
application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) DENNIS RUHL	4. Newly proposed or amended claim(s) we canceling the non-allowable claim(s).	ould be allowable if submitted	d in a separate, timely file	d amendment			
raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: Claim(s) withdrawn from consideration: Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). DENNIS RUHL			en considered but does NO	OT place the			
explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) DENNIS RUHL		because it is not directed So	OLELY to issues which we	re newly			
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other: attachment concerning the IDS of 1-27-03.		• • • • • •	•	and an			
Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other: attachment concerning the IDS of 1-27-03.	The status of the claim(s) is (or will be) as follo	ows:	·				
Claim(s) rejected: Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other: attachment concerning the IDS of 1-27-03.	Claim(s) allowed:						
Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other: attachment concerning the IDS of 1-27-03.	Claim(s) objected to:						
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10. Other: attachment concerning the IDS of 1-27-03.	Claim(s) rejected:						
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. ☐ Other: attachment concerning the IDS of 1-27-03. DENNIS RUHL	Claim(s) withdrawn from consideration:						
10. ☑ Other: attachment concerning the IDS of 1-27-03. DENNIS RUHL	8. The proposed drawing correction filed on	_ is a) _ approved or b) _	disapproved by the Exam	niner.			
DENNIS RUHL	9. Note the attached Information Disclosure State	ement(s)(PTO-1449) Paper I	No(s)	7			
	10. ☐ Other: attachment concerning the IDS of 1-27-03.		20	1-12			

U.S. Patent and Trademark Office

ري ري

Continuation of 5. does NOT place the application in condition for allowance because: the examiner disagrees with applicant's argument. The examiner feels the 103 rejection is proper and is not based on hindsight reasoning..

Application/Control Number: 09/975,747

Art Unit: 3761

Page 2

- The information disclosure statement filed 1-27-03 fails to comply with 37
 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.
- 2. The information disclosure statement filed 1-27-03 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.

The requirements of and after final IDS have not been complied with. See 37 CFR 1.97 and 1.98.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 703-308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

DENNIS RUHL
PRIMARY EXAMINER

DR February 15, 2003